

Senate Study Bill 1195

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL BY
CHAIRPERSON LUNDBY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of dogs, and providing for
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 3407XC 80
5 da/pj/5

PAG LIN

1 1 Section 1. NEW SECTION. 351.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Livestock" means the same as defined in section 717.1.
1 5 2. "Vicious dog" means a dog that without provocation has
1 6 killed or seriously injured a person or animal. A dog which
1 7 belongs to a breed commonly known as a pit bull, rottweiler,
1 8 or doberman is a vicious dog. However, a vicious dog is not
1 9 any of the following:
1 10 a. A police service dog as defined in section 717B.9.
1 11 b. A dog that has killed or seriously injured a person or
1 12 animal while that person or animal was committing or
1 13 attempting to commit a criminal offense, including but not
1 14 limited to trespass, on the property of a person who is the
1 15 owner or keeper of the dog.
1 16 Sec. 2. Section 351.27, Code 2003, is amended to read as
1 17 follows:
1 18 351.27 RIGHT TO KILL ~~TAGGED DOG~~ DOGS.
1 19 ~~It shall be lawful for any~~ A person to kill may seize or
1 20 destroy a dog, wearing a collar with a rabies vaccination tag
1 21 attached, when the dog is caught in the act of worrying,
1 22 chasing, maiming, or killing any domestic animal or fowl, ~~or~~
1 23 ~~when such dog is attacking or attempting to bite a person.~~
1 24 A person may seize or destroy a dog which the person
1 25 witnesses pursuing or wounding livestock or attacking a human
1 26 being, regardless of whether the dog is wearing a valid rabies
1 27 vaccination tag. The person who seizes or destroys the dog
1 28 shall not be liable for damages for seizing or destroying the
1 29 dog.
1 30 Sec. 3. NEW SECTION. 351.41A VICIOUS DOGS.
1 31 1. A person who owns or keeps a vicious dog shall not
1 32 willfully or negligently allow the vicious dog to run at large
1 33 without being leashed and accompanied by a competent and
1 34 responsible attendant. A local board of health or law
1 35 enforcement official may immediately seize or destroy the
2 1 vicious dog if the vicious dog has previously attacked a human
2 2 being. The local board of health or law enforcement official
2 3 shall not be liable for damages for seizing or destroying the
2 4 vicious dog.
2 5 2. A person who owns or keeps a vicious dog shall not
2 6 willfully or negligently fail to keep the vicious dog securely
2 7 confined within the limits of the person's premises or in a
2 8 locked enclosure when not under the immediate care and control
2 9 of a competent and responsible attendant. If the person
2 10 provides the vicious dog with veterinary care, transfers the
2 11 vicious dog to another person, or complies with the order of a
2 12 local board of health or law enforcement official, the vicious
2 13 dog must be securely muzzled and retrained with a chain and
2 14 must be under the direct control and supervision of the
2 15 vicious dog's owner or keeper.
2 16 3. A vicious dog that is not accompanied by its owner or
2 17 keeper when entering onto property of another person where
2 18 livestock are confined shall constitute a private nuisance.
2 19 The owner of the property or the person's agent or servant,
2 20 may seize or destroy the vicious dog while it is on the
2 21 property. The person who seizes or destroys the dog shall not
2 22 be liable for damages for seizing or destroying the vicious

2 23 dog.
2 24 Sec. 4. Section 351.43, Code 2003, is amended to read as
2 25 follows:
2 26 351.43 PENALTY.
2 27 Any person refusing to comply with the provisions of
2 28 sections 351.33 to 351.42 or violating any of their
2 29 provisions, ~~shall be deemed guilty of~~ commits a simple
2 30 misdemeanor. However, a person who violates section 351.41A
2 31 for a second or subsequent time commits a serious misdemeanor.

2 32 EXPLANATION

2 33 This bill amends Code chapter 351 which provides for the
2 34 regulation of dogs, including vicious dogs, as enforced by a
2 35 local board of health or law enforcement official.

3 1 The bill amends Code section 351.27 which provides that
3 2 persons have a right to kill dogs which are caught bothering
3 3 or injuring domestic animals. The bill provides that a person
3 4 may seize or destroy a dog which the person witnesses pursuing
3 5 or wounding livestock or attacking a human being. The bill
3 6 provides that the person is not liable for damages for seizing
3 7 or destroying the dog.

3 8 The bill also places restrictions upon vicious dogs. The
3 9 bill defines a vicious dog to mean a dog that acts without
3 10 provocation to kill or seriously injure a person or animal.
3 11 The bill provides that a dog which belongs to certain breeds
3 12 are deemed to be vicious. The bill provides that a police
3 13 service dog or a dog which acts to prevent a criminal offense
3 14 is not a vicious dog.

3 15 The bill provides that a person who owns or keeps a vicious
3 16 dog is prohibited from allowing the vicious dog to run at
3 17 large without being leashed and accompanied by a competent and
3 18 responsible attendant. The dog must be accompanied by the
3 19 owner or keeper when visiting a veterinarian, being
3 20 transferred, or complying with an order of a local board of
3 21 health or law enforcement officer. The bill provides that a
3 22 local board of health or law enforcement official may
3 23 immediately seize or destroy the vicious dog if the vicious
3 24 dog has previously attacked a human being.

3 25 The bill provides that a person who owns or keeps a vicious
3 26 dog is prohibited from failing to keep the vicious dog
3 27 securely confined within the limits of the person's premises
3 28 or in a locked enclosure.

3 29 The bill provides that a vicious dog that is not
3 30 accompanied by its owner or keeper when entering onto property
3 31 of another person where livestock are confined shall
3 32 constitute a private nuisance. The owner of the property or
3 33 the person's agent or servant may seize or destroy the vicious
3 34 dog while it is on the property without liability.

3 35 In general, a person who violates provisions of Code
4 1 chapter 351 is guilty of a simple misdemeanor. The bill
4 2 provides that a person who violates provisions regulating
4 3 vicious dogs a second or subsequent time is guilty of a
4 4 serious misdemeanor. A simple misdemeanor is punishable by
4 5 confinement for no more than 30 days or a fine of at least \$50
4 6 but not more than \$500 or by both. A serious misdemeanor is
4 7 punishable by confinement for no more than one year and a fine
4 8 of at least \$250 but not more than \$1,500.

4 9 LSB 3407XC 80

4 10 da/pj/5